



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL WRIT PETITION NO. 136 OF 2024

VILAS S/O KISAN SADMAKE

Vrs.

MRS. KALABAI VILAS SADMAKE

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri R. J. Shinde, Advocate for petitioner.

CORAM: M. W. CHANDWANI, J.

DATE : 08/02/2024.

1. The order dated 28/09/2021 below Exh.13 in Misc. Criminal Application No.5/2020 passed by learned Judicial Magistrate First Class, Digra is under challenge in this petition.

2. The contention is that the petitioner cannot pay amount of Rs.2,40,000/-, which has been directed by the learned Judicial Magistrate First Class, Digra by the impugned order.

3. Perusal of the impugned order shows that the application for issuance of warrant for recovery of Rs.2,40,000/- was made before the learned Judicial Magistrate First Class, Digra. The notice came to be issued to the present petitioner, but he failed to appear. Therefore, learned Judicial Magistrate First Class issued Distress Warrant for recovery of Rs.2,40,000/- against the present petitioner.

4. Learned counsel for the petitioner submits that the amount due towards the petitioner is not disputed, but he seeks installment of arrears amount.

5. I do not find any infirmity in the order impugned since the petitioner failed to appear before the learned Judicial Magistrate First Class and particularly when there is no dispute about amount of arrears. If the petitioner is unable to pay the said amount in lumpsum, the petitioner can approach the learned Judicial Magistrate First Class seeking for installments. Therefore, petition has no merit. Hence, it is dismissed. If any application for making payment of installments is filed by the petitioner, learned Magistrate may decide the same on its own merit.

6. Accordingly, petition is disposed of.

[M. W. CHANDWANI, J.]